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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS
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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLES 16 AND 17 OF THE COVENANT

Concluding observations of the Committee on Economic, Social and Cultural Rights

SYRIAN ARAB REPUBLIC

1. The Committee on Economic, Social and Cultural Rights considered the third periodic report of the Syrian Arab Republic on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/1994/104/Add.23) at its 34th and 35th meetings (E/C.12/2001/SR.34 and 35), held on 15 and 16 August 2001, and adopted, at its 53rd meeting (E/C.12/2001/SR.53), held on 28 August 2001, the following concluding observations.

A. Introduction

2. The Committee welcomes the third periodic report of the State party, as well as the useful dialogue that took place with the delegation. The Committee also takes note of the information contained in the letter of 24 August 2001 from the Permanent Mission of the State party in Geneva addressed to the Chairperson.

3. The Committee regrets that a considerable number of its written and oral questions remained unanswered, owing to a lack of detailed information in the State party's report, the written replies and the oral responses during the dialogue. The Committee also regrets that the delegation of the State party was not composed of officials responsible for the relevant rights of the Covenant, a fact which had a negative impact on the quality of the dialogue.

B. Positive aspects

4. The Committee appreciates the State party's efforts to improve the enjoyment of economic, social and cultural rights by its inhabitants. In particular, the Committee takes note of the State party's goals and objectives in the context of the United Nations Development Assistance Framework (UNDAF), which aims at improving living standards by reducing socio-economic and regional disparities and strengthening institutional capacities to meet development challenges.

5. The Committee notes with appreciation that the State party is also cooperating with international organizations and United Nations specialized agencies to reduce poverty and to work towards further realization of the right to food and the right to health.

6. The Committee welcomes the State party's efforts to address the acute problem of water shortage, as well as its efforts to enhance public awareness of this problem.

7. The Committee welcomes the fact that infant mortality has decreased and that life expectancy has increased.

8. The Committee notes with satisfaction the measures taken by the State party to provide health services and education for nomadic peoples, such as mobile first aid facilities and dispensaries and mobile schools and libraries.

9. The Committee welcomes the measures taken by the State party pursuant to the Dakar Framework for Action to adopt a National Education For All Plan.

C. Factors and difficulties impeding the implementation of the Covenant

10. The Committee notes the State party's statement that, owing to the continuing foreign occupation of part of its territory, it feels compelled to allocate a considerable part of its resources to national defence.

11. The Committee recognizes that the efforts of the State party to comply with its obligations under the Covenant are impeded by the high foreign debt/GDP ratio, and that this has adversely affected its capacity to enhance the enjoyment of economic, social and cultural rights by the population.

12. The Committee notes that the prevalence of certain traditions, customs and cultural practices in the State party continues to impede the full enjoyment by women and girls of their rights under the Covenant.

D. Principal subjects of concern

13. The Committee is concerned about discrimination against certain minority groups in the Syrian Arab Republic on the basis of their non-Arab heritage, including those groups that have been living in the territory of the State party for many generations.

14. The Committee expresses its concern about the persisting discrimination in the political, social and economic spheres of life against women in Syrian society, which is particularly reflected in limited participation by women in the political and economic decision-making process, a low legal age of marriage for girls, more severe punishment of women for adultery and "honour crimes", and unequal treatment insofar as personal property and social security laws are concerned. The Committee regrets that the State party has not adopted any significant legislative or administrative measures to eliminate this discrimination, nor ratified the Convention on the Elimination of All Forms of Discrimination against Women.

15. The Committee is also concerned about the living conditions of refugees and stateless persons in the Syrian Arab Republic, as well as the fact that the State party has not ratified the 1951 Convention relating to the Status of Refugees nor its 1967 Protocol. The Committee regrets the delegation's lack of sufficient information on this matter.

16. The Committee is concerned about the relatively high unemployment rate in the State party, which has been estimated to be between 10 and 25 per cent, and regrets that the State party's delegation was not able to provide sufficient statistical data to clarify this point of concern.

17. The Committee regrets that the State party has not provided sufficient information on the incidence of child labour. Moreover, the Committee is deeply concerned that the minimum working age is too low and that children working in family businesses and the agricultural sector are not protected by the relevant labour legislation.

18. The Committee expresses its concern about the practice of forced labour in prisons, especially by minors and those who have been incarcerated for vagrancy and other petty crimes.

19. The Committee also expresses its concern that the minimum wage has not been adjusted in recent years and that it has therefore become insufficient to provide a basic and adequate standard of living for workers and their families.

20. The Committee is also concerned that the right to establish independent trade unions is obstructed by the State party, as trade unions are obliged to register with the General Federation of Trade Unions which is closely linked to the governmental structure.

21. The Committee also expresses concern about the restrictions in practice reported by the ILO with regard to the right to strike, such as the imposition of sanctions, including imprisonment, which constitutes non-compliance with the State party's obligation regarding article 8 of the Covenant.

22. The Committee is concerned about the absence of unemployment benefits, which runs counter to the State party's obligation under the Covenant to realize progressively the right to just and favourable conditions of work and to social security.

23. The Committee is also concerned about the disparity in the provision of social benefits and accident compensation to Syrian nationals, refugees and stateless persons.

24. The Committee expresses its concern about the persistent occurrence of domestic violence against both women and children and the lack of legislation to criminalize such violence. Moreover, the Committee is concerned that there is no law against spousal rape.

25. The Committee is concerned about the incidence of poverty in the State party, which, according to alternative sources, affects about one third of the population. The Committee also regrets the absence of official statistical data on this subject.

26. The Committee regrets the lack of comparative statistical data on the State party's implementation of the right to health, as well as the fact that it did not receive replies to a considerable number of questions on the right to health in the list of issues.

E. Suggestions and recommendations

27. In light of paragraph 71 of the 1993 Vienna Declaration and Programme of Action and the conclusions of the Eighth Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asia-Pacific Region (Beijing, March 2000), the Committee recommends that the State party prepare a comprehensive national plan of action in relation to the implementation of its obligations under international human rights treaties, including the Covenant. The Committee requests the State party to annex a copy of its national human rights plan of action to its fourth periodic report and to provide information on its implementation.

28. The Committee encourages the State party to establish as soon as possible a national human rights institution which conforms to the 1991 Paris Principles.

29. The Committee strongly recommends that the State party's obligations under the Covenant be taken into account in all aspects of its negotiations with international financial institutions, such as the International Monetary Fund, the World Bank and the World Trade Organization, to ensure that economic, social and cultural rights, particularly of the most vulnerable groups, are duly protected.

30. The Committee strongly recommends that the State party take effective measures to combat discrimination in practice against minority groups, in particular the Kurds. Such measures should be aimed especially at improving birth registration and school attendance and allowing for the use of their languages and other expressions of their culture.

31. The Committee strongly recommends that the State party take effective measures to incorporate a gender equality perspective in both legislation and in governmental policies and administrative programmes, with a view to ensuring equality of men and women and addressing in particular the problems of the low legal age of marriage for girls, more severe punishment of women for adultery and "honour crimes", and the unequal treatment of women insofar as personal, property, succession and social security laws are concerned. The Committee also encourages the State party to ratify the Convention on the Elimination of All Forms of Discrimination against Women.

32. The Committee recommends that the State party take legislative and administrative measures to ensure the enjoyment of economic, social and cultural rights by refugees and

stateless persons. The Committee urges the State party to ratify the 1951 Convention relating to the Status of Refugees, the 1967 Protocol thereto, and the 1954 Convention relating to the Status of Stateless Persons.

33. The Committee requests the State party to provide more detailed information and specific statistical data - including comparative data - on the real situation of unemployment and of child labour in the State party and on the measures it has taken to address these problems.

34. The Committee recommends that the State party take measures to prohibit the practice of forced labour in prisons, including by minors and those incarcerated for vagrancy and other petty crimes.

35. The Committee urges the State party to adjust the minimum wage from time to time, so that it provides for an adequate standard of living for workers and their families, in conformity with articles 7 and 11 of the Covenant.

36. The Committee recommends that the State party request technical assistance from the ILO for the training of labour inspectors in order to ensure better implementation of labour legislation.

37. The Committee urges the State party to take all effective measures to address the problem of child labour in family enterprises and in the agricultural sector, which runs counter to protection of the rights of the child to health and to education.

38. The Committee strongly urges the State party to ensure that the right to establish free and independent trade unions is respected, and that the right to strike can be exercised without any form of intimidation.

39. The Committee recommends that the State party take all necessary measures to guarantee - to the maximum of its available resources, as stipulated by article 2 (1) of the Covenant - that an adequate system of social security is maintained, in particular with regard to the payment of unemployment benefits. The Committee also requests that more detailed information and statistical data, including comparative data, are provided on the State party's pension system in its next periodic report.

40. The Committee strongly recommends that the State party adopt legislation and other measures to combat domestic violence and spousal rape, and vigorously implement such legislation and other measures in order to provide adequate protection for victims of such practices.

41. The Committee requests the State party to provide detailed statistical data on the level of poverty in its territory, as well as more detailed information on measures taken to reduce poverty.

42. The Committee urges the State party to provide detailed information about the housing situation in the Syrian Arab Republic, including the provision of social housing for lower income, disadvantaged and marginalized groups, the number of forced evictions and whether those evictions comply with the guidelines set out by the Committee in its general comment No. 7.

43. The Committee also requests the State party to provide replies to the written and oral questions raised by the Committee in the list of issues and during the dialogue which were left unanswered, and in particular requests comparative statistical data on the implementation of the right to health, thereby taking into account the Committee's general comment No. 14 on the right to health.

44. The Committee urges the State party to implement its comprehensive National Education For All Plan, as anticipated by paragraph 16 of the Dakar Framework for Action, taking into account the Committee's general comments Nos. 11 and 13 on the right to education and general comment No. 1 of the Committee on the Rights of the Child. The Committee also urges the State party to ratify the UNESCO Convention against Discrimination in Education of 1960.

45. The Committee strongly recommends that the State party make sure that minority groups, such as the Kurds, are able to enjoy their right to use their own language and to live in accordance with their own culture without impediments in the form of legislative or administrative arrangements imposed by the State party.

46. The Committee recommends that the State party avail itself more actively of technical assistance and cooperation from the Office of the High Commissioner for Human Rights and the relevant United Nations specialized agencies and programmes, such as UNDP and UNESCO, particularly in relation to the preparation of its fourth periodic report on the Covenant, a national human rights plan of action, the creation of a national human rights institution, and the preparation and implementation of the National Education For All Plan in accordance with the Dakar Framework for Action.

47. The Committee requests the State party to disseminate the present concluding observations widely among all levels of society and to inform the Committee of all steps taken to implement them. It also encourages the State party to consult with non-governmental organizations and other members of civil society in the preparation of its fourth periodic report.

48. Finally, the Committee requests the State party to submit its fourth periodic report by 30 June 2006, and to include in the report detailed information on the steps it has undertaken to implement the recommendations contained in the concluding observations.